

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

UNITED STATES DISTRICT COURT

for the

District of _____

Division _____

<input checked="" type="checkbox"/> FILED	LODGED
RECEIVED	COPY
SEP 21 2021	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	DEPUTY

CV21-01628-PHX-GMS

Case No. _____

(to be filled in by the Clerk's Office)

Eugene W. Peterson

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Jury Trial: (check one) ☒ Yes ☐ No

Penske Truck Leasing CO. LP

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

THIS DOCUMENT IS NOT IN PROPER FORM ACCORDING TO FEDERAL AND/OR LOCAL RULES AND PRACTICES AND IS SUBJECT TO REJECTION BY THE COURT.

REFERENCE LRCP 5.4
(Rule Number/Section)

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Eugene W. Peterson
Street Address	23637 5th 213th Street
City and County	Queen Creek
State and Zip Code	AZ 85142
Telephone Number	(916) 955-9571
E-mail Address	gpc@peterson@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

Defendant No. 1

Name
 Job or Title *(if known)*
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address *(if known)*

Penske Truck Leasing Co. LP

2675 Morgantown Rd

Reading, Pennsylvania

PA 19607

(60) 755-6000

Defendant No. 2

Name
 Job or Title *(if known)*
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address *(if known)*

John Marwin

District Manager

1945 W Hilton Avenue

Phoenix

AZ 85009

(623) 936-1227 (602) 763-7118

John.marwin@penske.com

Defendant No. 3

Name
 Job or Title *(if known)*
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address *(if known)*

Eric Ingram

District Service Manager

1100 N 43rd Ave

Phoenix

AZ 85043

(602) 282-8922

Defendant No. 4

Name
 Job or Title *(if known)*
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address *(if known)*

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☐ Federal question ☒ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, (name) Eugene Peterson, is a citizen of the State of (name) Phoenix, Arizona.

b. If the plaintiff is a corporation

The plaintiff, (name) Pewaukee Truck Leasing Co. LP, is incorporated under the laws of the State of (name) Pennsylvania, and has its principal place of business in the State of (name) Phoenix Arizona.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, (name) John Macwid, is a citizen of the State of (name) Phoenix Arizona. Or is a citizen of (foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) PENSICO TRUCK LEASING CO. LP, is incorporated under the laws of the State of (name) PENNSYLVANIA, and has its principal place of business in the State of (name) PHOENIX ARIZONA.
Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

Economic growth, hardship, loss wages, life style change, 500,000

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

~~Retaliation~~ → ~~Page Attached ppwk~~
~~discrimination~~ → ~~Page Attached ppwk~~
~~Disability~~ → ~~Page Attached ppwk~~

When I got injured the changed the Rules for me to combined on January 30 2019

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Monetary damages punitive damages.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 9/21/21

Signature of Plaintiff

Printed Name of Plaintiff

Eugene Peterson
Eugene Peterson

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

EEOC Form 161 (11/2020)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Eugene W. Peterson
23637 S. 213th St.
Queen Creek, AZ 85142

From: Phoenix District Office
3300 North Central Ave
Suite 690
Phoenix, AZ 85012

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

480-2020-03966

Jeremy Yubeta,
Enforcement Supervisor

(602) 661-0015

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

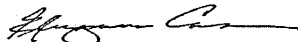
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



6/21/2021

Enclosures(s)

Elizabeth Cadle,
District Director

(Date Issued)

cc:

Lucy Anthony
Assoc. General Counsel, Employment
PENSKE
2280 Wardlow Cir., Suite 140
Corona, CA 92880

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
28-CA-209752	November 13, 2017

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Penske Truck Leasing CO., L.P.		b. Tel. No. (623) 936-1227
		c. Cell No. (602) 763-7118
d. Address (street, city, state ZIP code) 1945 W Hilton Avenue, Phoenix, AZ 85009	e. Employer Representative John Marvin, District Manager	f. Fax No.
		g. e-Mail john.marvin@penske.com
		h. Dispute Location (City and State) Phoenix, Arizona
i. Type of Establishment (factory, nursing home, hotel) Truck Rental Agency	j. Principal Product or Service Truck Rentals	k. Number of workers at dispute location ~40

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

During the past six months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by among other acts creating the impression of surveillance of employees' union activities and threatening employees because of their union activities.

During the past six months, the Employer discriminated against employees, including but not limited to Eugene Peterson by taking disciplinary action against him in order to discourage union activities or membership.

By the above and other acts, the Employer has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Eugene Peterson

4a. Address (street and number, city, state, and ZIP code) 23637 213 th Street, Queens Creek, AZ 85142	4b. Tel. No. n/a
	4c. Cell No. (916) 955-9571
	4d. Fax No. n/a
	4e. e-Mail gene21.peterson@gmail.com

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)**6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

Tel. No.
n/a

By: Eugene Peterson
(signature of representative or person making charge)

Eugene Peterson
Print Name and Title

Office, if any, Cell No.
(916) 955-9571

Fax No.
n/a

Address: 23637 213th Street,
Queens Creek, AZ 85142

Date: 11/13/17

e-Mail
gene21.peterson@gmail.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

1-2113592818

DO NOT WRITE IN THIS SPACE

Case

28-CA-209752

Date Filed

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

Penske Truck Leasing Co., L.P.

b. Tel. No. 623-936-1227

c. Cell No. 602-763-7118

f. Fax No.

d. Address (Street, city, state, and ZIP code)

1945 W Hilton Avenue
Phoenix, AZ 85009

e. Employer Representative

John Marvin, District Manager

g. e-Mail

john.marvin@penske.com

h. Number of workers employed
~40i. Type of Establishment (factory, mine, wholesaler, etc.)
Truck Rental Agencyj. Identify principal product or service
Truck Rentals

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3), and (4) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

During the past six months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by among other acts creating the impression of surveillance of employees' union activities and threatening employees because of their union activities.

During the past six months, the Employer discriminated against employees, including but not limited to Eugene Peterson by taking disciplinary action against him in order to discourage union activities or membership.

During the past six months, the Employer discriminated against employees, including but not limited to Eugene Peterson by taking disciplinary action against him because he filed a charge with the National Labor Relations Board.

By the above and other acts, the Employer has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Eugene Peterson

4a. Address (Street and number, city, state, and ZIP code)

23637 213th Street
Queen Creek, AZ 85142

4b. Tel. No.

4c. Cell No. 916-955-9571

4d. Fax No.

4e. e-Mail

gene21.peterson@gmail.com

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By


(signature of representative or person making charge)

Eugene Peterson, an Individual

(Print/type name and title or office, if any)

Tel. No.

Office, if any, Cell No.
See 4c.

Fax No.

e-Mail

See 4e.

See 4a.

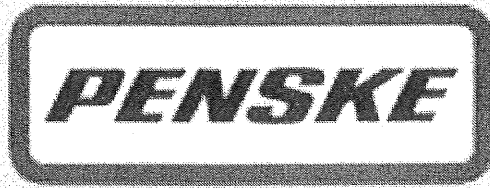
Address

12/5/17
(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

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Rental | Leasing | Logistics

Rental Representative - Part-Time
Penske Truck Leasing - Phoenix, AZ

Physical Requirements:

- The physical and mental demands described here are representative of those that must be met by an associate to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.
- The associate will be required to: read; communicate verbally and/or in written form; remember and analyze certain information; and remember and understand certain instructions or guidelines.
- While performing the duties of this job, the associate may be required to stand, walk, and sit. The associate is frequently required to use hands to touch, handle, and feel, and to reach with hands and arms. The associate must be able to occasionally lift and/or move up to 25lbs/12kg.
- Specific vision abilities required by this job include close vision, distance vision, peripheral vision, depth perception and the ability to adjust focus.

Penske is an Equal Opportunity Employer.

To the Head of HR and Security

CASU # 480-2020-0396
Eugene Peterson

To whom this may concerns,

We the employees of Penske have come together to ask that changes be made within the management that have caused the employees to feel threatened and/or harassed.

As we have come together to ask for change, we acknowledge that there is discrimination, unfair treatment, abuse of power, and targeting certain employees.

As the investigation continues, we ask that we, the employees be treated fairly and with respect.

Name:

Antonio Romero
Javier Cervantes
Shawn Flowers
Daniel Ortega
Bryan LeFfew
Justin Busto
Jorge A. Ruiz
Isaac Gonzalez
Maksim
FRANK MAGANA
NOE MORALES
Johnny Bahena
Waldo Aguilar
Will Clavias

Victor Delgado

RICKY MENDOZA
Aaron Lampen

Ricardo Mendez JR

Jimmy Richardson
Falconeri Gonzalez

Chris Marin
Roberto Ambriz Rivera
KREW STONEWALL

Name:

[Signature]
[Signature]
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[Signature]
[Signature]
[Signature]
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[Signature]

RICARDO MENDOZA

[Signature]
[Signature]
[Signature]

Chris Marin
Roberto Ambriz Rivera
KREW STONEWALL

To whom this may concerns,

We the employees of Penske have come together to ask that changes be made within the management that have caused the employees to feel threatened and/or harassed.

As we have come together to ask for change, we acknowledge that there is discrimination, unfair treatment, abuse of power, and targeting certain employees.

As the investigation continues, we ask that we, the employees be treated fairly and with respect.

Name:

Ramiro Galaviz

Andrew Wallard

Eugene Peterson

Nathan Guerrero

Name:

[Signature]

Eugene Peterson

[Signature]



January 30, 2020

Eugene Peterson
23637 S 213th Street
Queen Creek, AZ 85142

Re: Leave of Absence and Employment Status

Dear Eugene:

As you know, you have been out on a leave of absence since August 29, 2018. You exhausted your entitlement for leave under the Family and Medical Leave Act (FMLA) on September 12, 2018. As such, you were granted extended leave as a reasonable accommodation under the Americans with Disabilities Act (ADA), to give you time to heal and hopefully return to work.

Recently we were notified that you received permanent restrictions, indicating your condition is not likely to improve further. Your work-related restrictions include:

- Lifting/carrying 40 pounds or less
- Drive for up to one hour at a time
- No Overhead Activity

Based on the above restrictions, you were deemed unable to return to your previous position as a Tech III. We then provided you with a Vacant Position Search form and searched for jobs in accordance with your indicated parameters:

- 40 miles of location 058710
- At location 058710

Unfortunately, we found no open or soon-to-be-open positions for which you are qualified and could perform, with or without reasonable accommodation.

Unfortunately, that means we have reached the end of the interactive process and must separate you from employment. Your final day of employment will be Friday, February 07, 2020.

We wish you the best in your future endeavors.

Sincerely,

Brittany Fleming
Brittany Fleming
Penske Leave Team Specialist